



# TOWN OF NORTHFIELD PERSONNEL POLICY

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**TOWN OF NORTHFIELD  
PERSONNEL POLICY  
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- C. Required DET Notice
- D. Acknowledgment of Receipt of Personnel Policy
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**SECTION 1**  
**GENERAL PROVISIONS**

- 1.1 INTRODUCTION - The purpose of these policies is to establish a fair and equitable system of personnel administration based on principles that ensure a uniform, fair, and efficient application of personnel policies. The provisions of this Policy are designed and intended to provide guidance and do not create an employment contract or other employment obligation for the Town. The final interpretation of this Policy is the exclusive responsibility of the Town Administrator and the Board of Selectmen. This Policy summarizes the current benefits plans maintained by the Town. If any questions arise regarding the interpretation of these plans the answers will be determined by reference to the actual plan documents, policies or governing statutes rather than the summaries contained in this Personnel Policy.
- 1.2 TITLE AND EFFECTIVE DATE - This document shall be known and cited as the "Northfield Personnel Policy." This Policy shall take effect upon approval by the Board of Selectmen and shall repeal all other policies in conflict herein.
- 1.3 AMENDMENTS - The policies and procedures outlined in this document are subject to change provided that the changes are made in accordance with federal and state laws and Town bylaws. This Policy may be altered, repealed, or amended at any Board of Selectmen's meeting, after prior notice of at least one week to Department Heads.
- 1.4 SCOPE OF POLICY - This Policy shall apply to all employees of the Town, not to include those appointed or employed by a Regional School District, those who serve in offices filled by popular election or on voluntary boards or committees and those with employment contracts, including personal contracts or union contracts negotiated pursuant to the provisions of MGL Ch. 150E.
- 1.5 ROLE OF THE BOARD OF SELECTMEN - It shall be the responsibility of the Town Administrator to administer this Policy consistent with his/her duties and responsibilities as defined by the Massachusetts Constitution, Massachusetts General Laws, and Bylaws of the Town. The Board of Selectmen shall be responsible for all duties assigned the Town Administrator under this Policy, unless they delegate this authority for specific

duties to another entity, notwithstanding their duties and responsibilities as defined by applicable state and local laws.

1.6 PERSONNEL OFFICER - On behalf of the Board of Selectmen, the Town Administrator shall serve as the Personnel Officer for the Town responsible for administration of the personnel system. The Personnel Officer shall provide assistance and training to Department Heads to ensure that recruitment, selection, appointment and retention of employees, maintenance of the Classification Plan and Compensation Plan, application and periodic review of personnel policies, and administration of a problem resolution system are accomplished in ways that are consistent with these policies. The Personnel Officer shall maintain a centralized personnel record keeping system. The Personnel Officer shall bring to the Board's attention issues or matters requiring their attention in the administration of these policies.

1.7 EMPLOYMENT RECORDS

1.7.1 Personnel Records - The Personnel Officer shall keep a personnel record of all Town employees in his or her office. A centralized personnel file shall be kept for each employee. Such files shall include all applications, evaluations, reports, records and other relevant documents pertinent to an employee's employment with the Town. To ensure confidentiality and security of employee personnel files, access to all personnel files shall be limited to the manner set forth below.

It is the policy of the Town that all employees shall comply with the laws governing public records and confidential information. No employee shall knowingly or willingly release confidential personnel information without written authorization and compliance with the appropriate laws

Content - Pre-employment documents such as applications, resumes, licenses, offers of employment, copies of transcripts or diplomas, pre-employment physical reports, military discharge documentation, and all other related material shall be included in an employee's personnel file, save that all medical information shall be kept separately from the employee's general personnel record and shall be maintained in a secure manner, accessible only to those with a lawful purpose.

Post-hire documentation such as performance evaluations, disciplinary action notices, physician's statements, commendations, copies of information sent to the employee, or to third parties regarding the employee shall be included in the employee's personnel file. Removal - Once inserted into an employee's personnel file, information may only be removed by mutual agreement of the employee and the Town. If an employee believes information was erroneously placed in his or her record, the employee shall make a request to the relevant Department Head, who shall then forward said request to the Town Administrator for review. The Town Administrator shall have sole authority to determine if information contained in an employee's personnel file should be retained, modified or removed. If there is a disagreement with any information contained in a personnel record, removal or correction of such information may be mutually agreed upon by the affected employee and Town Administrator. If an agreement is not reached, the employee may submit a written statement explaining his or her position which shall become part of such employee's personnel record. The statement shall be included when said information is transmitted to a third party as long as the original information is retained as part of the file

Location and Security -Employee personnel files will be maintained at the Town Hall by the Personnel Officer, under the supervision of the Board of Selectmen, who will be responsible for their security. It is the responsibility of the Department Head to forward all pertinent documents to the Personnel Officer for inclusion in an employee's official personnel file.

Department Personnel Files - Department Heads may not keep duplicate copies of any personnel records except for training records, and employee contact information necessary to the functioning of the department.

Access – Within five days of receiving a written request from a current or former employee to view his or her personnel record, the Town shall provide the employee with an opportunity to review such record during normal business hours. Within five days of receiving a written request, the Town shall comply with an employee's request for one copy of his or her personnel record, at no cost to the employee.

Other than the affected employee, the following parties shall have access to an employee's personnel record: An attorney or representative of the employee with written authorization to access the employee's file; the employee's Department Head or

designee; third parties upon presentation of a valid court order granting them access to an employee's personnel record.

1.7.2 Payroll Records - Each Department Head shall submit to the Town Accountant, with a regular pay schedule, a timesheet for each employee. This timesheet shall specify the number of hours worked and any leave taken, as well as any pertinent information for the payroll records, as legally required. The Town Accountant shall be responsible for maintaining a permanent record of each employee's time and attendance, consistent with the provisions of the Fair Labor Standards Act.

1.7.3 Benefits Records - The Town Treasurer shall keep a detailed record for each Town employee containing all information related to tax withholding, retirement benefits, optional health and life insurance, dental and long-term disability insurance, deferred compensation and all other benefits provided by the Town to its employees.

## 1.8 DEFINITIONS

The following definitions shall apply to this Policy:

Anniversary Date - An employee's initial date of hire with the Town, and annually thereafter.

Appointing Authority - Any board or official authorized by the Massachusetts General Laws, or otherwise, to employ personnel to perform services for the Town.

Board - The Board of Selectmen for the Town of Northfield.

Continuous Employment - An uninterrupted period of employment with the Town, except for required military service and authorized vacation, sick leave, bereavement leave, court leave, or other authorized leaves of absence.

Compensatory Leave - Approved time off granted by the employer in lieu of wages for hours worked in excess of an employee's normally scheduled work hours.

Department Head - The officer, board or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision

and control of the Board of Selectmen, the officer, board or other body responsible to the Board of Selectmen for the administration of the department. Each board, commission, committee, Town official or other Town authority having any Town employee under its direction shall be for the purposes of this Policy referred to as a Department Head. A Department Head may be an Appointing Authority.

Employee – Any individual who performs services for and under the control and direction of the Town for wages or other remuneration.

Employer – The Town of Northfield

Exempt Employee – An employee who is excluded from the overtime compensation requirements set forth in the Fair Labor Standards Act, 29 USC § 201, et seq. (FLSA).

Nonexempt Employee – An employee who is entitled to receive overtime compensation as set forth in the Fair Labor Standards Act, 29 USC § 201, et seq.

Full-Time Employment - Continuous employment for not less than forty (40) scheduled hours per week for fifty-two (52) weeks per year, to begin after six (6) months of service.

Full-Time Employee - An employee regularly scheduled to work forty (40) hours per week for fifty-two (52) weeks per year.

Overtime – Approved time worked in excess of forty (40) hours per week.

Overtime Pay - Payment of one and one-half an employee's regular rate of pay for approved hours worked in excess of forty (40) hours per week.

Part-Time Employee – Any employee hired by the Town to work less than forty (40) hours per week and/or for less than fifty-two (52) weeks per year, except as otherwise provided.

Part-Time Employment – Employment for less than full-time employment as defined above or seasonal employment.

Probationary Employee – An employee working for the Town during his or her first six (6) months of employment with the Town.

Probationary Period – At a minimum, the first six (6) months of employment following an appointment to a regular position.

Regular Full-Time Employee – Any employee who has been hired by the Town to work forty (40) hours per week for fifty-two (52) weeks per year.

Regular Part-Time Employee – Any employee who has been hired by the Town to work less than forty (40) hours per week for fifty-two (52) weeks per year.

Regular Position – Any position in the Town which has required, or which is likely to require, the service of an employee for 52 weeks per year, without interruption, either on a full-time or part-time basis.

Seasonal Position – Any position in the Town that is not a regular position where the intent is to hire an employee for some specified season of the year. A specified term of service must be stipulated prior to appointment.

Supervisor – Any individual to whom an employer has given the authority to direct and control the work performance of the affected employee, who has the authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains, or who has been designated by the employer on the required notice.

Temporary Position – Any position in the Town that is not a regular position. Temporary employees who work a minimum of twenty (20) hours per week on a regular basis are entitled to health insurance coverage. No temporary employee shall be entitled to benefits such as, but not limited to paid holidays, accrued leave, or step raises, regardless of the number of hours worked per week. A specific term of service must be stipulated prior to appointment.

Town – The Town of Northfield, Massachusetts.

**SECTION 2**  
**RECRUITMENT AND HIRING**

Employees shall be recruited and hired according to the following procedures:

- 2.1 NEW POSITIONS/VACANCIES – When a vacancy arises, the Department Head will review the functions, duties, responsibilities and minimum qualifications of the position as described in the existing job description. Any changes to the existing job description must be recommended to the Town Administrator who will review the proposed changes and ensure that they are justified. If found appropriate the Town Administrator will update the job description for presentation to the Board of Selectmen in writing who will approve or disapprove the proposed changes. When a new position is created the Department Head and the Town Administrator will develop a job description for the position. Any new job description requiring reclassification will be reviewed by the Town Administrator, Finance Committee and the Board of Selectmen, or their designee, for proper assignment of Grade and Step in the Classification and Compensation Plan, if applicable.

The Board of Selectmen may consider a recommendation from the Town Administrator for an acting employee or Department Head as it deems necessary for the effective operation of a department, while a permanent appointee is being selected.

- 2.2 POSTING – After notifying the Board of Selectmen, the Town Administrator shall post a notice of vacancy for all vacant positions in all appropriate media outlets, except those positions to be filled by promotion or transfer of a current employee.

The posting shall include the position title, summary statement of duties, minimum qualifications relating to education, skills and experience, directions for submitting applications, deadline for receipt of applications and a statement of compliance with Equal Employment Opportunity (EEO) guidelines. The deadline for receipt of applications shall be no sooner than ten (10) calendar days after posting.

- 2.3 EQUAL OPPORTUNITY/AFFIRMATIVE ACTION - The Town recognizes the rights of individuals to work and advance on the basis of merit, ability and potential, without

regard to race, sex, color, disability, religion, national origin, sexual orientation, age or service in the military. The Town maintains a policy of non-discrimination and equal opportunity in all of its hiring and employment actions.

2.4 EMPLOYMENT APPLICATION - All applicants for employment shall complete an official employment application form to be submitted to the Department Head and the Personnel Officer. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form. Resumes may be accepted to supplement an application, but not as a substitute.

2.5 SCREENING/INTERVIEW – The Town Administrator, assisted by the appropriate Department Head, shall be responsible for reviewing and screening applications based on established criteria and for the conduct of interviews. The following are general guidelines for screening candidates and conducting interviews:

- a. Screen resumes for minimum entrance requirements;
- b. Select candidates for interview based on scoring minimum entrance requirements.
- c. Candidates will be rank-ordered and interviewed beginning with the highest scoring candidate and then the next highest scoring candidate and continuing in this manner until the desired number of candidates has been interviewed;
- d. Select candidates for final (or second interview) interview, contact references and conduct final interviews;
- e. Select final candidate and recommend to the Board of selectmen for appointment. Secure approval from the Board of Selectmen if offering higher than minimum entrance rates;
- f. Offer the candidate employment in writing, as noted below.
- g. Notify unsuccessful candidates by telephone or by mail.

2.6 REFERENCES - All applicants for full-time and regular part-time positions shall provide the Town with no less than three (3) references. Prior to appointment, the Town Administrator or his designee shall check each reference provided by a candidate. Candidates shall be informed that this process may be extended to their current and any previous employers not on their reference list. However, the Town Administrator or designee shall not contact a candidate's current employer unless the candidate provides express authorization.

- 2.7 EMPLOYMENT ELIGIBILITY – Pursuant to the Immigration Reform and Control Act of 1986, the Town shall verify the employment eligibility of all prospective employees. New employees must provide proof of authorization to work in the United States prior to beginning employment with the Town. After making an offer of employment, the Town Treasurer shall verify the candidate's eligibility to work in the United States using the "Employment Eligibility Form" (I-9 Form). Prospective employees must sign the form and provide the appropriate documentation on their first day of work or prior thereto.
- 2.8 OFFERS OF EMPLOYMENT – Following approval by the Board of Selectmen, the Town Administrator shall provide an offer of employment in writing to the selected candidate setting forth the rate of pay, hours of work, start date, and any other relevant information. A copy of such offer of employment shall be provided to the Board of Selectmen, the Department Head, Town Accountant and the Town Treasurer. Offers of employment are contingent upon the successful completion of the following conditions which shall be clearly stated in the Offer of Employment letter:
- 2.8.1 Pre-employment Physical – All employees shall undergo a complete medical examination by a Town-selected physician at the Town's expense. The purpose of the examination shall be to determine whether the applicant is capable of performing the essential functions of the job. At its discretion, the Board of Selectmen may waive this requirement for temporary or volunteer workers.
- 2.8.2 Alcohol and Drug Test – All employees who may, as part of their job duties is required to operate Town-owned motor vehicle, shall undergo a mandatory alcohol and drug test pursuant to the Town's Drug and Alcohol Testing Policy.
- 2.8.3 Motor Vehicle Records – Employees who will be required to operate Town-owned motor vehicles as part of their job duties shall provide a copy of his/her complete driving record prior to commencement of employment.
- 2.8.4 CORI Check -The Town is certified by the Criminal History Systems Board (CHSB) to request Criminal Offender Record Information (CORI) on certain prospective and future employees or volunteers. CORI checks shall be conducted on all employees and volunteers who may come into contact with children or the elderly, such as senior center

staff, police officers, emergency medical technicians, and recreation department staff. For new hires, a CORI check shall be conducted only after a contingent job offer has been extended. For seasonal hires (i.e. youth coaches), a CORI check shall be conducted each year.

If the Town is inclined to make an adverse decision based on the results of the CORI check, the applicant shall be notified immediately and provided with a copy of the criminal record and the Town's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position, and given an opportunity to dispute the accuracy and relevance of the CORI record.

2.9 CONFIRMATION – Accepted offers of employment shall be confirmed in writing by a letter from the Town Administrator to the applicant, with a copy to be provided to the Board of Selectmen, Accountant and Treasurer. The letter shall include the rate of pay, start date, hours of work, Grade and Step under the Town's Position Classification Plan and Compensation Plan, and any other pertinent information.

2.10 HIRING DOCUMENTATION – The following documentation, along with an employee's Application for Employment, shall be compiled by the Personnel Officer prior to the employee's first day of work:

- Pre-employment Physical Examination
- W-4 or W-4A Tax Withholding Form
- Franklin County Retirement Enrollment Form
- Basic and Optional Health and Life Insurance Forms or waiver (optional)
- Deferred Compensation Enrollment Form (optional)
- Direct Deposit Form (optional)
- Employment Eligibility I-9 Form
- And such other forms as may be required.

2.11 ORIENTATION – At the commencement of employment, the Department Head, Treasurer and the Personnel Officer shall inform all new employees of their rights, responsibilities, duties and obligations. The Personnel Officer shall provide the employee with a copy of the Personnel Policy. The Department Head shall provide the employee with on-site training and orientation regarding safety policies and procedures. The

Treasurer shall explain all benefits and options to which the employee is entitled, and assist the employee with the completion of appropriate forms.

- 2.12 PROBATIONARY PERIOD – Following appointment to a position, all new Town employees shall be required to serve a six (6) month probationary period. The Town reserves the right to extend this period for certain employees. During the probationary period, an employee will be able to determine if the new job is suitable for him/her and the Department Head will have an opportunity to evaluate the employee's conduct, performance and work habits. During the probationary period, an employee shall not be permitted to utilize the Town's grievance procedure to challenge an adverse employment action.

Prior to the end of the probationary period, the probationary employee's Department Head shall forward to the Town Administrator a written statement with a recommendation regarding the probationary employee's future employment status. If the Department Head or Town Administrator determines that the initial probationary period has not allowed him/her sufficient time to properly evaluate the employee's performance, the probationary period may be extended by the Town Administrator for a specific period.

- 2.13 SEASONAL EMPLOYMENT- With approval of the Board of Selectmen the Town Administrator may appoint seasonal employees.
- 2.14 TEMPORARY EMPLOYMENT- With approval of the Board of Selectmen, the Town Administrator may appoint temporary employees for a period of no more than six months.
- 2.15 EMPLOYMENT OF MINORS – Persons under the age of 18 years shall only be employed by the Town to the extent permitted by Massachusetts General Laws, Chapter 149 and 29 USC § 212.

Minors sixteen (16) years of age and older may not work more than nine (9) hours per day, nor more than forty-eight (48) hours per week. Such minors may not work between 10:00 p.m. and 6:00 a.m. Such minors must submit an educational certificate that they have obtained from their school or the Superintendent of Schools in the town where

they live. Minors sixteen (16) years of age and older may not perform work involving hazardous occupations as established by the State and Federal Secretaries of Labor.

Minors fourteen (14) and fifteen (15) years old must have on file an "Employment Permit" from their school or the Superintendent of Schools in the town where they live. Such minors may not be employed during school hours (unless part of a qualifying "work experience program"). Such minors may not be employed between 7:00 p.m. and 7:00 a.m. (except from July 1 through Labor Day they may work until 9:00 p.m.).

Additionally, such minors may not be employed:

- More than three (3) hours per day on school days;
- More than eighteen (18) hours per week in school weeks;
- More than eight (8) hours per day during a period of not more than nine (9) consecutive hours on non-school days;
- More than forty (40) hours per week; or
- More than six (6) days in a week.

In accordance with M.G.L. Chapter 149 Section 56, the Town shall post and keep posted in a conspicuous place in every room where minors are employed a printed notice stating separately the hours of employment for each shift or tour of duty and the amount of time allowed for meals. A list by name of the employees, stating in which shift each is employed, shall be kept on file at each location where minors are employed.

### **SECTION 3**

#### **CLASSIFICATION AND COMPENSATION**

##### **3.1 WAGES AND SALARY**

- 3.1.1 Position Classification Plan – The Board of Selectmen shall be responsible for maintaining a Position Classification Plan, which shall include a written Position Description for each position that describes its duties, authority and responsibilities (The Position Classification Plan can be found at Attachment A).

- 3.1.2 Administration – Each position shall be placed in the same pay grade as other positions that are sufficiently similar with respect to duties, responsibilities and character of work, as to require a similar degree of experience, training and education.
- 3.1.3 Position Description – A position description is a written outline of responsibilities for each job in the classification plan and includes the essential functions of the job. The position description will be standard for classifying individual positions and for determining when reclassification is warranted. The statement of position descriptions is merely intended to be instructive and shall in no way serve to restrict or limit an employee's responsibilities. Each description shall be reviewed regularly by the Department Head to reflect any changes to a position.
- 3.1.4 Reclassification – Reclassification of a position will occur when duties of a position compel transfer to another pay grade that more accurately reflects its duties, authority and responsibility. Reclassification reviews may be initiated by an employee, the employee's Department Head or the Town Administrator and will be reviewed by the Town Administrator, Finance Committee and Board of Selectmen, or its designee. Reclassifications will become effective upon authorization by the Board of Selectmen. An employee may not request a reclassification more often than once every three (3) years.
- 3.1.5 Compensation Plan - The Compensation Plan shall consist of pay grades with steps directly related to the classification levels. Each position is assigned a grade, and each grade is assigned rates of pay, which are designated as steps (The Compensation Plan can be found at Attachment B).
- 3.1.6 Annual Pay Increase - Subject to the existence of adequate funding, the Board of Selectmen shall conduct an annual review of employee wages and determine whether any increase is warranted.
- 3.1.7 Step Increase – Subject to the existence of adequate funding, every two years, employees shall receive a step increase on the Compensation Plan. For purposes of this step increase, employees hired prior to July 1, 2000 will have an anniversary date of 7/1/2001 and shall thereafter receive a step increase on that date every other year. Employees hired after July 1, 2000 shall be eligible for a step increase every ~~other year~~ ~~on their actual anniversary date~~ two years, effective on July 1 of the fiscal year in

which that two-year anniversary falls, provided that employee will have worked for the town for at least 17 months as of July 1 of that fiscal year. [AMENDED 2/9/2016]

Unless otherwise specified, all new employees shall initially be placed at Step 1. At the recommendation of the Town Administrator, and with approval of the Board of Selectmen, an employee may be hired above Step 1 following an evaluation of his/her previous experience and education, and based on Town's needs.

- 3.1.8 Rate of Pay for Promotion - When a regular employee is promoted to a position classification in a higher grade, his or her pay shall be increased at the time of promotion. The promoted employee shall be placed at Step 1 of the new grade. If the promoted employee's present pay rate is higher than Step 1 of the new grade, he/she shall advance to the step which is closest to, but not less than, his/her present rate. The employee may also receive a one-step or more increase at the time of promotion upon written recommendation by the Department Head, with the concurrence of the Town Administrator and subject to approval by the Board of Selectmen if his/her qualifications and performance warrant the increase.
- 3.1.9 Pay for Temporary Assignments Outside of Grade – When an employee is temporarily assigned to a position in a higher grade for thirty (30) or more consecutive work days, the Town Administrator may request that the Board of Selectmen grant a pay increase for the position for the duration of the temporary assignment.
- 3.2 HOURS OF WORK AND WORK SCHEDULES - Because of the varied nature of the Town's business, employee work schedules may vary depending on job assignment. Each Department Head, with the approval of the Town Administrator, shall schedule normal working hours for his/her Department. In addition, Department Heads, with the approval of the Town Administrator, may establish non-regular work schedules based on seasonal or other workload requirements. Employees should check with their Department Head if they have any questions on hours of work. The regular workweek shall begin on Sunday and end on Saturday.

Accurately recording time worked is the responsibility of every employee. Time worked shall be considered all the time actually spent on the job performing assigned duties. Employees shall record the proper codes for time worked and time off as outlined on the timesheet on a daily basis and sign it at the end of the work week. Timesheets are to be

kept up to date as the employee works. All completed timesheets shall be submitted to the Department Head for approval. Altering, falsifying, or tampering with the time records or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment. Time sheet shall be maintained in a format consistent with the requirements of the Fair Labor Standards Act and the Town.

3.3 OVERTIME - There may be occasions when an employee may be required to work overtime to allow the Town to successfully meet the needs of its citizens. The Department Head must approve all overtime for employees. Overtime work shall be defined as time worked in excess of forty (40) hours per week. Holidays and vacation leave shall be included as time worked in the computation of overtime. However, sick leave and other paid or unpaid leave shall not be included in the computation of overtime. Employees whose regular work schedule includes Saturday and/or Sunday will be paid overtime only for those hours worked in excess of forty (40) per week.

3.4 CALL-OUT TIME - A regular employee called by a supervisor to render service not as part of his or her regularly scheduled workday shall be compensated for a minimum of two (2) hours.

3.5 TRAVEL REIMBURSEMENT - Employees may be reimbursed monetarily for mileage, meals and lodging expenses incurred while engaged in Town business. In order to receive reimbursement, employees shall follow the following procedures:

Mileage - Employees shall submit requests for reimbursement to the Department Head at such intervals and with such supporting documentation as the Town Accountant may require. The rate of reimbursement shall be the optional standard mileage rate approved by the Internal Revenue Service, to be amended at the discretion of the Board of Selectmen.

Meals and Lodging - Employees shall obtain the approval of the Town Administrator before incurring expenses in connection with a trip on Town business. Requests for reimbursement shall include receipts documenting the expenses. In the event that receipts are not available, the employee shall provide a signed explanation of the expenses.

## SECTION 4

### BENEFITS

Regular full-time employees are eligible for all benefits listed in this section. Regular part-time employees scheduled to work twenty (20) or more hours per week shall be eligible for prorated holiday pay and leave as detailed in this section. Regular part-time employees are also eligible to participate in the Town's group health and life insurance plans as described below.

Temporary employees who work a minimum of twenty (20) hours per week on a regular basis are entitled to participate in the Town's health insurance plan. Temporary employees, regardless of the number of hours worked per week, shall not be entitled to paid holidays, accrued leave, or step raises.

Seasonal employees shall not be eligible to participate in the Town's health insurance plan, and shall not be entitled to paid holidays, accrued leave, or step raises, regardless of the number of hours worked per week.

4.1 HOLIDAYS - The following list of holidays will be observed by the Town on the day designated by the Commonwealth of Massachusetts:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veterans' Day
Patriots' Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

Regular employees who are scheduled to work on a holiday shall be compensated at their regular rate of pay. If a holiday falls on a day that a regular employee is not scheduled to work, the employee shall receive compensatory time off to be used in a manner determined by the employee and Department Head so as to cause the least interference with the business of the Town.

In the event that a regular employee who works more than twenty (20) hours per week is required to work on a holiday listed above, the employee shall be compensated, in addition to their regular pay, if entitled, at a rate of one and one-half (1½) times their

regular hourly rate for each hour worked.

When a paid holiday falls during an employee's vacation, the employee shall be entitled to take an extra day off. Holidays which fall on a Saturday will be observed on the preceding Friday. Holidays which fall on a Sunday will be observed on the following Monday.

4.2 LEAVES - Authorized leaves of absence shall fall into the categories listed below. An employee who is absent from work without permission for more than two (2) days shall be considered to be on an unauthorized leave of absence and subject to immediate disciplinary action, up to and including termination.

4.2.1 Vacation Leave – Vacation days shall be accrued monthly and are calculated based on an employee's anniversary date as follows:

<b>Continuous Service</b>	<b>Accrual Per Month</b>	<b>Days Per Year</b>
Less than 5 years	6.67 hours	Maximum of 10
At least 5, but less than 10 years	10 hours	Maximum of 15
At least 10, but less than 20 years	13.34 hours	Maximum of 20
20 or more years	16.67 hours	Maximum of 25

All vacation requests shall be submitted to an employee's Department Head for approval. Department head vacations should be submitted to the Town Administrator for approval. Employees should make reasonable efforts to request vacation time as far in advance as possible. Vacations shall be scheduled so as to cause the least interference with the performance of the regular work of the Town, and taking into account, the employee's preference and seniority. Once set, a vacation cannot be cancelled except by mutual agreement of the parties.

Employees may not take more than three (3) continuous weeks of vacation leave at any one time. Employees may accrue up to, but not more than the vacation time earned in two (2) years. Only vacation leave up to the amount earned in the previous fiscal year

may be carried over to the following fiscal year unless the Department Head agrees in writing to allow an additional amount to be carried forward into the following fiscal year.

New employees shall accrue vacation leave during their first six (6) months of employment but may not take leave until they have completed six (6) continuous months of employment. Unused vacation leave benefits shall be paid out upon termination of employment with the Town in accordance with the law.

- 4.2.2 Non-Occupational Sick Leave - Regular and probationary employees shall be entitled to paid sick leave for absences from work due to personal illness and disabling accidents that are not work-related. Regular and probationary employees shall earn sick leave at the rate of eight (8) hours per month. Employees may accrue unused sick leave up to a limit of ninety (90) days.

Regular and probationary employees shall also be entitled to up to twenty-four (24) hours of paid leave per fiscal year for the purpose of attending medical or dental appointments, or to provide care for the illness of a dependent child, parent or spouse.

An employee requesting sick leave must notify the Department Head as early as possible prior to the employee's next regularly-scheduled shift. The Department Head may require verification of any claim for paid sick leave.

In accordance with M.G.L. Chapter 149, Section 69, employees who are incapacitated from working due to injuries arising out of, and in the course of employment, may elect to use sick leave to supplement any compensation received because of such injuries, from insurance or other sources. Sick leave benefits are not reimbursed upon termination of employment with the Town.

- 4.2.3 Personal Leave – Regular full-time employees having completed six (6) months of continuous service are entitled to two (2) paid personal days per fiscal year. Personal leave may be taken in hourly increments, not to exceed sixteen (16) hours per fiscal year. The employee must provide a reasonable amount of advance notice, normally at least forty-eight (48) hours, to the Department Head. Department Heads will request use of sick leave through the Town Administrator. Personal days are non-cumulative and must be used in the fiscal year earned.

- 4.2.4 Bereavement Leave – Regular employees will be granted up to three (3) days leave with pay upon the death of the employee’s spouse, parent, child, step-child, grandchild, grandparent, step-parent, parent-in-law, brother, sister, step-brother or step-sister. Regular employees will receive one (1) day leave with pay for other relatives or other long-term relationships. Employees may request additional leave for extenuating circumstances, if in the opinion of the Town Administrator such leave is justified.
- 4.2.5 Jury Duty Leave – Regular employees who serve jury duty shall receive from the Town as salary, the difference between his or her regular rate of pay and the compensation paid to the employee for such jury service, exclusive of any travel or other allowance(s), as outlined in M.G.L. Chapter 234A, Section 48. An employee seeking compensation in accordance with this policy shall notify the Department Head after receipt of the notice of selection for jury duty, and shall furnish a written statement to the Town, including evidence from the Court, showing dates of jury service, time served and the amount of juror compensation received. Employees are required to report for work while on jury service if released without serving by noon before the end of the regular workday.
- 4.2.6 Unpaid Personal Leave of Absence - Under certain circumstances, an employee with at least one (1) year of employment with the Town may request, in writing to the Board of Selectmen and Town Administrator, an authorized leave of absence without pay. Leave without pay shall not be considered a right, and shall be granted only when it serves to promote the mutual interests of the employee and the Town. While on authorized unpaid personal leave, an employee shall not be eligible for, or accrue, any employment-related benefits. Leaves shall not normally exceed six (6) months. The Town will make reasonable efforts to return the employee to the same or similar job as held prior to the leave, subject to staffing and business requirements. Failure of an employee to report for duty on the approved date may result in disciplinary action, up to and including termination from employment. Other Benefits During Leave - During any leave of absence without pay, all benefits, including seniority calculations, that are normally accrued, shall be frozen until the employee returns to work. All insurance benefits paid on the employee’s behalf by the Town shall cease during an unpaid leave of absence. The employee may retain membership in the Town's plans for health and life insurance for the duration of an approved leave of absence without pay, not to exceed 18 months , but the employee shall be solely responsible for paying the full cost

of those benefits, including the portion normally paid by the Town, plus 2-percent of the full premium. The employee may elect to use any accrued vacation leave he/she may be entitled to during the leave of absence.

4.2.7 Military Leave - All military leave shall comply with state and federal law, including the Gulf War Veterans Act and USERRA

Active Duty – Regular employees who are called to active duty to serve the Armed Forces of the United States will be granted a leave of absence and paid the difference between their military base pay and regular rate of pay from the Town. Any leave taken as a result of being on active duty shall be counted toward an employee's years of service with the Town for purposes of calculating benefits. Vacation and sick leave, however, shall not accrue during these periods.

Upon completion of active service in the Armed Forces of the United States, the employee will be restored to his/her former position or to similar position, and at the same rate of pay provided that the employee is still qualified to perform the duties of his/her former position or a similar position. In accordance with the requirements of USERRA.

Reserve Training – Regular employees who are members of an organized unit of the ready reserve of the Armed Forces of the United States which requires military training not to exceed seventeen (17) calendar days in any one (1) calendar year will be granted a leave of absence and paid the difference between their military base pay and regular pay for all periods of training leave. The leave will not affect the employee's normal accrual of vacation or sick leave credits. Participation in the Town's health care and life insurance plans will not be affected by any such leave.

4.2.8 Small Necessities Leave - In accordance with M.G.L. Chapter 149, Section 52D, an employee who has completed at least twelve (12) months of employment with the Town and who has worked at least 1,250 hours during the preceding twelve months, is entitled to a total of 24 hours of unpaid leave during a twelve (12) month period. Such leave may be used for the purpose of participating in school activities directly related to the educational advancement of the employee's child; to accompany the employee's child to routine medical or dental appointments, and to accompany an elderly relative,

as defined in Section 52D, to routine medical or dental appointments or other professional services related to the elder's care. This leave is in addition to the twelve (12) week leave provided by the Family and Medical Leave Act, and may be taken on an intermittent or reduced leave schedule. This leave is to be unpaid unless the employee applies any paid leave that he or she has available. FMLA and SNLA leave shall run concurrently with all other forms of paid leave.

4.2.9 Maternity Leave - In accordance with M.G.L. Chapter 149, Section 105D, regular employees who have been employed by the Town for at least six (6) consecutive months, shall be entitled to leave for a period not exceeding eight (8) weeks for the purpose of giving birth or for adopting a child under the age of eighteen (18), or under twenty-three (23) if the child is mentally or physically handicapped.

In order to be eligible for leave under this Section, the employee is required to give two (2) weeks' notice in advance of the anticipated date of departure, stating her intention to return and anticipated date of return. Upon her return to work, the employee is entitled to be restored to her previous or similar position, and to the length of service credit and seniority as of the date of her leave.

Leave under this Section shall be unpaid, unless the employee is eligible for and elects to apply other leave, such as sick leave or vacation leave to which she is entitled. Any leave taken under this Section shall be counted against an employee's leave entitlement under the terms of the Family and Medical Leave Act.

4.2.10 Family and Medical Leave - Employees who have completed at least twelve (12) months of employment with the Town and who have worked at least 1,250 hours during the preceding twelve (12) months can use family or medical leave for qualifying reasons in accordance with 29 U.S.C. §2612 (Attachment E).

An employee is entitled to concurrently use any accrued sick, vacation or personal leave while on FMLA leave. However, the Town will not require an employee to concurrently take accrued leave. If the employee has exhausted accrued paid time-off during an FMLA, or if the employee elects not to use accrued leave during FMLA leave, the employee will be responsible for paying the entire premium for health insurance,

including the employer's share, for such period. The employee shall be responsible for coordinating payments with the Town Treasurer.

Employee Obligations under the FMLA – Prior to taking leave under this section, an employee must notify, in writing, the Department Head and Town Administrator thirty (30) days in advance of requested family or medical leave, or as soon as possible under the circumstances if the leave cannot be anticipated. The notice should include the dates and expected duration of the leave.

Employees are required to notify their Department Head of their anticipated return to work within five (5) days of their anticipated return date, if possible. A physician's certificate may also be required in certain situations.

If the employee chooses not to return to work (for any reason other than continued health-related problems or due to circumstances beyond control), the employee will be required to reimburse the Town for contributions to health insurance premiums paid during his or her leave.

Department Head/Town Administrator – Upon notification of an employee's intent to take time off for qualifying family or medical reasons, the Department Head should refer the employee to the Town Administrator. In consultation with the Town Administrator, the Department Head may evaluate, if warranted or appropriate given the circumstances of the request, whether an intermittent or reduced work schedule can be arranged. A reduced work/leave schedule must be used within a period of twenty-four (24) consecutive weeks.

Under the FMLA, an eligible employee requesting leave for personal medical reasons is required to submit a physician's certification. The Department Head shall certify the beginning date of the family or medical leave in writing to the employee with a copy to the Town Administrator and will monitor the employee's status on a monthly basis.

The Town reserves the right to deny reinstatement to key employees as defined in the FMLA.

#### 4.3 INSURANCE

4.3.1 Group Health and Life Insurance - Regular employees who are regularly scheduled to work twenty (20) or more hours per week are eligible to participate in group health and life insurance benefits through a policy held by the Town. The Town shall pay seventy-five percent (75%) of the premium associated with the health insurance policy. Employees shall pay twenty-five percent (25%) of the premium through payments deducted directly from their paycheck. Following the termination of employment, federal rules and regulations shall govern continuation of health insurance pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA). See Attachment D. For additional information, please contact the Town Treasurer.

The employee shall be responsible for one-hundred percent (100%) of the premium through payments deducted directly from his or her paycheck. For additional information, please contact the Town Treasurer.

4.3.2 Additional Medical/Dental Care Coverage - Regular employees who are regularly scheduled to work twenty (20) or more hours per week are eligible to purchase additional medical care coverage from selected carriers, as available. The employee shall be responsible for one-hundred percent (100%) of the cost of the premium through payments deducted directly from their paycheck. For additional information, please contact the Town Treasurer.

4.3.3 Health and Life Insurance for Retired Employees – Retired employees have the option of participating in continuing health and life insurance upon retirement through a plan held by the Town. A retired employee must enroll in the Town plan within five (5) years of retirement or they will surrender any further right to enroll. If a retired employee chooses to retain health and life insurance coverage through the Town's plan, the retiree, his/her spouse and dependents must enroll in a Medicare health benefit supplement plan offered by the Town, upon turning age 65 and if otherwise eligible. The Town contributes fifty percent (50%) toward the cost of the health insurance plan and the life insurance plan for retired employees and their spouse and dependents. Paid coverage does not continue upon the death of the retired employee, but the spouse may elect to stay in the plan by paying one-hundred percent (100%) of the cost of the premium. For additional information, please contact the Town Treasurer.

4.4 DEFERRED COMPENSATION - A regular full-time or part-time employee working at least twenty (20) hours per week may elect to have part of his/her pay withheld and invested in a pre-tax plan as authorized by Sections 457 or 403(b) of the Internal Revenue Code. For additional information, please contact the Town Treasurer.

4.5 RETIREMENT - Subject to the rules and regulations promulgated by the Franklin County Retirement System and Massachusetts General Laws, all employees working at least twenty (20) hours per week are required to participate in the Franklin County Retirement System. Effective January 1, 1996 no temporary employees or employees working less than twenty (20) hours per week on a regular basis shall be considered eligible for membership in the system. Elected officials who receive compensation for their office may participate in the System regardless of hours worked or compensation.

Any temporary or part-time employee hired after January 1, 1996 who later becomes eligible for membership shall have the option of buying back creditable service time at the rate proportionate to actual time worked, subject to Mass. Statute and Franklin County Retirement System Rules and Regulations. Actual time worked by the employee is to be provided by and certified by the Town Treasurer.

Deduction rates:

<b>Membership Date</b>	<b>Deduction Rate</b>
1/1/75 – 12/31/83	7%
1/1/84 - 6/30/96	8%
After 6/30/96	9%
Note: Employees hired after 1/1/79 with earnings over \$30,000 will have an additional 2% deducted on the amount over \$30,000.	

Part-time, seasonal or temporary employees working less than twenty (20) hours per week must contribute at least seven and one-half percent (7 ½ %) of their gross compensation per pay period to the Commonwealth's deferred compensation plan in lieu of having to pay FICA taxes. All deductions as shown are subject to changes in Mass. Statute and the Franklin County Retirement System.

4.6 WORKERS' COMPENSATION AND INJURY ON-DUTY - Employees who are unable to work because of an injury or illness sustained in the performance of their duties will continue to receive the Town's contributory share of premiums, for medical benefits and/or disability payments, provided that they were already receiving such payments prior to their injury. Any employee covered by the Town's Workers' Compensation insurance who is unable to work because of an on-the-job injury will be paid in accordance with Mass. Statute. If an employee has accumulated sick leave, he or she may elect to apply such accrued sick leave to account for the difference between the Workers' Compensation pay and his/her regular pay so that the employee receives one-hundred percent (100%) of his/her weekly pay. In a case of an injury sustained on-the-job, the Town reserves the right to require a physician's note certifying the need for any absence in excess of two (2) working days, and for any additional physician's examination the Town may consider necessary during any continuing period of absence from work.

An employee injured while on-duty shall immediately report the injury to his or her Department Head. The Department Head will see that medical services are obtained (as necessary) and report the injury to the Town Administrator who will assist the employee in completing the necessary report forms.

Employees of the Police, Fire and EMS Departments shall be covered by M.G.L. Chapter 41, Section 111F, and will receive benefits for on-the-job injuries consistent with that Statute.

4.7 EMPLOYEE ASSISTANCE PROGRAM - An employee who is experiencing difficulties in his/her personal life to the extent that job performance, workplace atmosphere or general well-being is affected is encouraged to seek help through the Employee Assistance Program (EAP) at 1-800-451-1834. The EAP is designed to help employees and their family members by providing crisis intervention, assessment, referral and short-term counseling service in order to help identify and resolve personal issues and stress, illness, alcohol and drug abuse, financial and marital difficulties as well as other distresses. The EAP is confidential and information cannot be released without the employee's permission except as required by law. The EAP also offers a variety of services to Supervisors who may need assistance handling complicated employee relations issues.

**SECTION 5**  
**MISCELLANEOUS EMPLOYMENT POLICIES**

- 5.1 STANDARDS OF CONDUCT - Town employees are expected to act honestly, conscientiously, reasonably and in good faith at all times, showing regard for their responsibilities, the interests of the Town, and the welfare of its residents.

Employees have an obligation to be present at work as required and to be absent from the workplace only with proper authorization; to carry out their duties in an efficient and competent manner, and to maintain specified standards of performance; to comply with employer instructions and policies and to work as directed; to respect the privacy of individuals and use confidential information only for the purposes for which it was intended; to neither use, nor allow the use of Town property, resources, or funds for other than authorized purposes; to incur no liability on the part of the Town without proper authorization; and, to maintain all qualifications necessary for the performance of their duties.

The intent of this policy is to ensure that: 1) employees meet the Town's legitimate expectations in the areas of performance and behavior; 2) employees whose performance or behaviors are deficient are provided with the necessary assistance and motivation to meet the Town's expectations; and 3) disciplinary action initiated against an employee is fair and appropriate.

Failure to behave in a manner consistent with the standards of conduct and policies included herein may result in the initiation of disciplinary action against the employee. The Town shall utilize a fair and equitable process when reviewing an employee's alleged violation of these standards and policies and shall discipline the employee, if called for, in a manner appropriate given the alleged violation.

- 5.2 USE OF EQUIPMENT - Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating

instructions, safety standards, and guidelines, and to operate said equipment only if qualified and in possession of any required licenses, current and in good standing.

Employees are required to immediately notify the Supervisor or his/her designee if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

5.3 RETURN OF PROPERTY– Employees are responsible for all Town property, materials, or written information issued to them or in their possession or control. Employees must return all Town property immediately upon request or upon termination of employment. The Town may take any or all action deemed appropriate to recover or protect its property, including utilization of progressive discipline.

5.4 ATTENDANCE AND PUNCTUALITY - Attendance and punctuality are important factors for an employee's success with the Town. All employees work as a team, and this requires that each person be in the right place at the right time. If an employee is going to be late for work or absent, the employee must notify his or her Department Head as soon as possible before the start of the workday.

Tardiness and failure to report to work are viewed as unacceptable job performance and may be grounds for progressive disciplinary action. If an employee exhibits a pattern of repeated tardiness, he/she may receive progressive discipline.

If an employee does not report for his/her scheduled work hours and fails to notify the Department Head of the absence by the end of the regularly scheduled shift, the employee shall be considered to be on unauthorized leave without pay for the day and may be subject to progressive disciplinary action, unless the absence resulted from emergency. Further incidents of this nature may result in subsequent progressive disciplinary action, up to and including termination of employment.

5.5 CITIZEN RELATIONS - Town employees will treat citizens with the highest standards of professional and courteous behavior. Disrespectful or unprofessional employee behavior

citizens will not be tolerated and may subject the employee to progressive disciplinary behavior.

Town employees in turn, have a right to be treated with respect and courtesy from the customers they serve. Disrespectful treatment of employees, including raised voices, the use of foul language, rude or insulting remarks, will not be tolerated under any circumstances.

Town employees shall make every effort to listen to concerns and address issues raised by citizens, provided these requests are made in a reasonable and respectful manner. If a citizen begins to exhibit behavior that is disrespectful, abusive or rude, employees shall ask the customer to remain calm and respectful. If disrespectful behavior continues, the employee shall call his/her Supervisor or Department Head for assistance. If the Supervisor or Department Head is unavailable, the employee will terminate the phone call or personal contact.

If a citizen's actions cause an employee to fear for his/her safety, the Police Department should be contacted immediately.

- 5.6 USE OF TOWN VEHICLES - Certain positions require the operation of Town-owned vehicles. Town vehicles are not intended for personal use, (unless properly authorized by personal services contract), and should only be used when conducting Town business.

The assignment of municipal vehicles during regular working hours is based upon job description. Department Heads that have municipal vehicles available for this purpose may assign such vehicles in a manner consistent with departmental workload and employee function.

The assignment of vehicles for twenty-four (24) hour use will be made in writing by the Department Head, and will only be assigned to employees who require a vehicle for the ordinary and necessary discharge of their job functions. Criteria that will be used in the determination of eligibility for twenty-four (24)-hour vehicle use include:

- Officially designated on-call status
- Requirement for frequent emergency availability

- Issuance of a pager or other communication device
- Emergency or other equipment contained in the vehicle

#### Rules Governing Use of Municipal Vehicles

1. Municipal vehicles may only be used for legitimate municipal business.
2. Passengers shall be limited to Town employees and individuals who are directly associated with Town business (committee members, consultants, contractors, etc.)
3. Vehicles should be used to transport only those items for which the vehicle is designed. The Town shall not be liable for the loss or damage to any personal property transported in the vehicle.
4. Employees are expected to keep municipal vehicles clean and immediately report any malfunction or damage to the Department Head.
5. Employees must wear seatbelts at all time while riding in municipal vehicles
6. All operators of vehicles that require a CDL license must have a valid CDL license and must be tested for drugs and alcohol in accordance with U.S. Department of Transportation regulations. See Town of Northfield Drug and Alcohol Testing Policy set forth below.
7. Employees are prohibited from operating municipal vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications that may interfere with effective and safe operation of the vehicle.
8. Employees who operate municipal vehicles must have a valid motor vehicle license issued by the state of their current residence and may be required to provide proof of valid motor vehicle license every six (6) months.
9. All new employees must provide their driving record check prior to operating Town-owned vehicles. This record check will be done every other year thereafter.
10. The Town expressly reserves the right to revoke an employee's right to operate Town –owned vehicles for any reason, including a poor driving record or prior drug use. Termination may result where operation of a Town-owned vehicle is an essential job function.
11. Employees driving municipal vehicles shall obey all applicable traffic and parking regulations, ordinances and laws. Employees who incur parking

or other fines while operating municipal vehicles will be personally responsible for payment of such fines unless the payment of such fine is approved by the Town. Employees who are issued a citation or fine while using a municipal vehicle must promptly notify their Department Head. And may be subject to progressive discipline.

12. Under NO circumstances shall an employee ride in the body of a truck, or in a trailer or bucket of a loader or backhoe, or permit another employee to do so.

Failure to comply with any and all provisions of this policy may result in progressive disciplinary action up to and including termination and/or revocation of Town vehicle driving privileges.

#### 5.7 COMPUTER, ELECTRONIC MAIL AND INTERNET USE POLICY

In order to provide tools to its employees, the Town continues to invest in computers, applications and servers. This equipment, including all related hardware and software maintained on Town computers and servers remain the exclusive property of the Town. All computers with access to the Internet or Town Hall network must have current anti-virus protection installed and functioning. The Town reserves the right to monitor, review and retrieve any and all information and documents stored or transmitted on Town equipment. Accordingly, employees should have no expectation of privacy with respect to the information stored on Town-owned equipment.

All users of Town computer equipment are responsible for respecting and adhering to local, state, federal and international laws. Any violation of those laws may result in criminal and/or civil prosecution against the employee by the proper authorities and, where appropriate, progressive disciplinary action up to and including termination.

##### Internet Access and Use

Internet access through the Town-provided network is intended only for conducting official Town business. However, The Town will allow limited use of the network and equipment for personal business. Any personal use of the Internet must be on the employee's own time, and must not interfere with the Town's operation or the user's work responsibilities. The privilege of personal use of the Internet is subject to the

terms and conditions established by the Town herein, which may be amended from time to time without prior notice, and may be withdrawn in the future, with or without cause.

At no time may the Internet be used for any type of commercial use, or to transact non-government business. The use of the Internet to solicit or proselytize others for commercial ventures, religious or political causes or outside organizations or for personal gain is prohibited. At no time may users access inappropriate web sites, such as those hosting pornography, obscene materials or gambling enterprises.

The use of any element of the Town's computer system, including Internet access, for the receipt or transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, religion or service in the military is not permitted under any circumstances.

The Town reserves the right to monitor a user's history of web sites visited, and Internet access and use in order to ensure compliance with this policy.

#### Electronic Mail (E-mail) Access and Use

E-mail is an effective tool for sharing and disseminating information. Since the Town's e-mail system is linked to Internet systems, users can communicate with colleagues in state agencies, vendors and residents. This electronic communication promotes better information exchange between peers and residents.

As with all of the Town's assets, the e-mail system is intended to be used for work-related purposes, and in a manner consistent with the Town's overall policies. The system may not be used in any way that is disruptive to the operation of the Town.

Official Town e-mail accounts shall only be used for conducting Town business, except that occasional personal use is allowed on an employee's own time, such as lunch break or before/after working hours.

The use of e-mail for the transmission of information disparaging to others based on race, national origin, sex, sexual orientation, age, disability, religion or service in the military is not permitted under any circumstances. Users should keep in mind that material which one person finds humorous can be offensive to others.

Likewise, e-mail is not to be used to solicit or proselytize others for commercial ventures, religious or political causes or outside organizations, or personal gain (including, but not limited to, "chain letters" and/or requests for donations). Users may not attempt to obscure the origin of any message.

Copyrighted materials, trade secrets, proprietary financial information, or similar materials may not be transmitted by employees over the Internet. Users are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

Confidential information, including but not limited to HIPA protected medical information, should never be transmitted or forwarded to outside entities or individuals not authorized to receive such information, or to other Town employees with no business reason to receive such information.

#### Expectation of Privacy

The Town Administrator and Town Secretary or designees shall have unrestricted access to e-mail and related information stored on Town-owned computer equipment. The Town reserves the right to monitor, review and retrieve any information stored on or transmitted with Town equipment and; therefore, users should not have an expectation that their e-mail communication, or documents stored on Town equipment, will remain private. For this reason, users are advised to use discretion in drafting e-mail messages.

#### Open Meeting Law

Employees shall remain mindful of the applicability of the Massachusetts Open Meeting Law when participating in an electronic conversation through email, chat or other such method of electronic communication.

- 5.8 SAFETY POLICY - It is the policy of the Town of Northfield to maintain a safe and healthy work environment for all employees. To this end, every reasonable effort will be made to provide and maintain a safe and healthy work environment and establish safe work practices at all times.

Each Department Head is responsible for the loss control activities within his or her department. It is the responsibility of every employee to make job safety a part of their daily concern. All employees are expected to adopt the concept that the safest way to perform a task is the most efficient and only acceptable way to complete a task. Employees must observe rules of conduct and safety and properly use any and all safety equipment provided. Employee violation of Town Safety Policies may subject the employee to progressive discipline.

5.9 GRIEVANCE PROCEDURE - Employees are encouraged to bring any problems or complaints regarding their working conditions to the attention of their Supervisor or Department Head.

If an employee has a particular request or problem, he or she should discuss the matter with his or her immediate Supervisor or Department Head.

If the matter remains unresolved after the discussion with the Supervisor, the employee may contact the Department Head. The Department Head shall discuss the matter with the employee and others who may be involved and attempt to reach a satisfactory understanding and resolution of the problem.

If the dispute remains unresolved more than two (2) weeks after the submission in writing to the Department Head, the employee may submit the matter in writing to the Town Administrator. The Town Administrator shall take the matter under advisement, collecting such facts relating thereto as may seem helpful and he/she may, in his/her discretion, hold public or private hearings or utilize other alternatives with respect to the question.

No later than thirty (30) days after receipt of the written submission of the matter, the Town Administrator shall render his/her decision and thereafter promptly take such action as may be appropriate. The Town Administrator's decisions shall be final and binding on all parties, it being the Town's intention that there is no further appeal process available.

5.10 DISCIPLINARY POLICY - The Town is committed to following a policy of progressive discipline. To ensure the system's effectiveness, employees must know what is expected of them, and the consequences for failing to meet these expectations. In general, the steps of the disciplinary process are as follows:

1. Verbal Reprimand
2. Written Reprimand
3. Suspension for one or more days
4. Discharge

In most cases, disciplinary action initiated as a result of an employee's first violation of a standard will be a verbal reprimand. Should such action fail to cause the employee to comply with the standard, subsequent disciplinary action shall become progressively more severe until the employee has corrected the deficiency. Probationary employees may be terminated for any reason and without cause.

At each step of the disciplinary process the employee should be counseled regarding expectations and offered an appropriate degree of assistance. Ultimately, the Town's primary goal in each step in the disciplinary process is to address and correct any issues an employee may be having.

#### General Procedures

When determining the appropriate level of discipline to be imposed, officials should consider the following factors:

1. Whether there is sufficient cause to discipline the employee
2. Whether the severity of the penalty fits the seriousness of the misconduct.
3. Whether the employee received a warning regarding the misconduct or performance related concern at issue
4. The employee's ability to explain his/her actions and ability to reform or rehabilitate

#### Specific Procedures

1. Verbal Reprimand

The verbal reprimand (or warning) is the least severe form of disciplinary action.

In most cases it is the first form of disciplinary action taken against an employee.

After meeting with the employee to communicate the warning, the Department Head or designee should prepare a written summary for presentation to the employee and placement in the employee's official personnel file.

Both the verbal reprimand and the written summary should contain as many elements as listed below as are appropriate based on the type of disciplinary problem involved:

- Rule, Regulation or Policy Involved
- Facts Showing Deviation from Standard
- Consequence to the Town/Department
- Expected Performance or Behavior
- Plan for Improvement
- Time Frame for Compliance and Follow-Up Measures
- Next Step if Improvement/Compliance not Forthcoming

2. Written Reprimand

A written reprimand contains all of the elements of the verbal reprimand as listed above. In most cases, this formal warning will be initiated only after an informal or verbal warning has failed to bring about sufficient improvement. In cases in which an employee commits a fairly serious offense (e.g. insubordination) the written reprimand may be the first disciplinary action taken. As with the verbal reprimand, the written reprimand should be issued following a meeting with the employee. A copy of the written reprimand shall be placed in the employee's official personnel file.

3. Suspension

Suspension is the temporary and involuntary separation of an employee from his/her employment. The purpose of a suspension is to serve as a final warning to an employee that continued misbehavior or poor performance may result in discharge. Suspension is generally imposed only when prior warnings or reprimands have not caused the employee to bring his/her performance or behavior up to the expected standard. In some cases involving serious misconduct, suspension may be the first disciplinary action taken. Suspension may be with or without pay.

Except in cases of serious misconduct, suspension should precede the discharge of any employee. A probationary employee need not be suspended prior to discharge. Written and verbal reprimands may be imposed by a Department Head or the Town Administrator. Suspensions may be imposed only by the Town Administrator.

In cases where the Town Administrator determines that the unsatisfactory employee should be suspended for a period of more than five (5) days, the employee shall be granted a hearing prior to the imposition of the suspension. All suspensions shall be reduced to writing and include a description of all of the reprimand elements listed above, and shall be forwarded to the Board of Selectmen and Department Head and will be placed in the employee's official personnel file.

#### 4. Discharge

Discharge is the permanent and involuntary separation of a person from his/her employment with the Town. Because of its severity, action to discharge an employee is generally initiated only after the verbal and written reprimand processes and one or more suspensions have failed to bring about the employee's conformance with the requisite standards of performance or behavior.

Action to discharge a probationary employee will generally not be initiated until the employee has been clearly warned that his/her continued poor performance or inappropriate behavior could lead to his/her discharge and until the employee has been given a fair opportunity to improve following the warning. In cases involving serious misconduct (e.g. theft, assault) discharge may be initiated without any prior warnings or suspensions.

In all cases in which the Board of Selectmen determines that discharge may be warranted, the employee shall be given a hearing by the Board of Selectmen prior to the imposition of the discharge. If discharged, the employee will be given a written notice stating the reason(s) for the discharge and the effective date of

termination of employment with the Town. Such notice shall be included in the employee's official personnel file.

#### 5. Alternatives to Suspension or Discharge

Prior to the initiation of action to suspend or discharge an employee, consideration should be given to other alternatives such as demotion or reassignment to other duties. Demotion or reassignment should be considered only when the employee has previously demonstrated an ability to perform the duties of the position to which demotion or reassignment is contemplated.

Demotion or reassignment may only be imposed by the Town Administrator, in consultation with the appropriate Department Head(s).

#### The Disciplinary Interview

Whenever possible, a meeting between the employee and Department Head or designee should precede the initiation of any disciplinary action at the level of verbal or written reprimand, against an employee. However, the Department Head may speak directly to the employee and request that the employee answer questions.

The primary goals of the Disciplinary Interview are as follows:

- To determine whether the employee has in fact failed to comply with a required standard
- If so, to identify why the employee failed to meet the standard
- To inform the employee exactly what will be expected of him/her in order to avoid further disciplinary action and to offer any appropriate assistance
- To warn the employee of the consequences of his/her continued failure to comply with the established standards

### 5.11 SEPARATION FROM EMPLOYMENT

5.11.1 Resignation/Retirement - In order to minimize disruptions to the Town, an employee who resigns or retires from a position is expected to give a minimum of two (2) weeks' notice. Department Heads shall give four weeks notice. Notice must be in writing and should be addressed to the Department Head. The last day of work should be stated in the letter. The letter must indicate if the departure is to be considered retirement. The Department Head shall send a copy of the letter to the Town Administrator, Accountant and Treasurer. The last day of work in a position is considered to be the official

termination date of employment. Vacation leave may not be used to extend the official termination date.

5.11.2 Layoffs – Employees may be separated from service by reduction in workforce due to lack of funds, abolition of the position or material change in the duties. Employees shall receive written notification as soon as possible of any plans for retrenchment, reorganization, and curtailment of service.

5.12 CONFLICT OF INTEREST/FINANCIAL DISCLOSURE – All employees shall comply with Chapter 268A of the Massachusetts General Laws, which governs conduct of public officials and employees.

5.13 WHISTLEBLOWER PROTECTION POLICY – It is the policy of the Town to comply with the provisions of the Massachusetts Whistleblower Protection Act, M.G.L. Chapter 149, and Section 185. The Town encourages the reporting by its employees of improper governmental action taken by Town officers or employees and protection of Town employees who have reported improper government actions in accordance with this policy.

Town employees who obtain knowledge of facts demonstrating improper governmental actions should raise the issue first with the Town Administrator or the appropriate governmental agency responsible for investigating such improper action. If requested by the Town Administrator, the employee shall submit a written report to the Town stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Town officials, Department Heads, supervisors and employees are prohibited from taking retaliatory action against Town employees because he or she has in good faith reported an improper governmental action in accordance with this policy.

5.14 Equal Employment Opportunity/Affirmative Action Policy - The Town of Northfield guarantees the equal treatment for all who seek access to its services or opportunities

for employment and advancement. No discrimination will be tolerated on the basis of race, creed, political affiliation, color, sex, national origin, ancestry, age, handicap, gender identification, sexual orientation or military service. With this understanding, it is the goal of the Town for its personnel to reflect the proportions of minority, female, and handicapped persons in the populations they serve. The Town of Northfield will continue to meet its legal, social, and economic responsibilities for Equal Employment Opportunity and Affirmative Action as authorized and required by all pertinent state and federal legislation, executive orders and rules and regulations.

No portion of this Equal Employment Opportunity and Affirmative Action Policy shall be construed as conflicting with any existing or future judicial or legislative mandate where a constriction consistent with that mandate is reasonable.

- 5.15 AMERICANS WITH DISABILITIES ACT - It is the policy of the Town to comply with all requirements and regulations of the Americans with Disabilities Act of 1990, 42 USC § 12101, et seq. (ADA). The Town will not discriminate against people with disabilities in any employment action or in terms, conditions, or privileges of employment. The Town has and will continue to establish occupational qualifications for each position, including the education, skill, and work experience required, and the physical, mental and environmental standards necessary for job performance, health, and safety.

#### Discrimination Grievance Procedure

The Town has established a Discrimination Grievance Procedure in order to encourage local resolution of grievances concerning employment. An employee is not required to exhaust this procedure prior to filing a state or federal complaint or taking other action.

Any employee who feels that he or she has been discriminated against by the Town on the basis of race, sex, color, disability, religion, national origin, ancestry, gender identification, sexual orientation, age or service in the military in employment practices may file a grievance.

Grievances should be in writing and should include information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities who are unable to submit a written complaint.

The parties should first attempt to resolve the grievance at the department level. Upon receipt of a grievance, a Department Head shall promptly notify the Town Administrator. If the grievance is not resolved to the satisfaction of the grievant at the department level, or if the Department Head lacks authority or jurisdiction to correct the problem, the grievant may submit the grievance to the Town Administrator.

Within fifteen (15) calendar days after receipt of the grievance, the Town Administrator will meet with the grievant to discuss the grievance and possible resolutions. Within fifteen (15) calendar days after the meeting, the Town Administrator will respond to the grievant in writing, or, where appropriate, in a format accessible to the grievant such as audiotape. The response will explain the position of the Town and may offer further options for substantive resolution of the grievance.

All discrimination grievances received by the Town Administrator and responses from the same, will be kept by the Town. Such documents shall remain confidential.

The Town will not take any retaliatory action against employees who file complaints of discrimination on the basis of race, sex, color, disability, religion, national origin, ancestry, gender identification, sexual orientation, age, or service in the military, or against individuals who cooperate in such investigation.

#### 5.16 SEXUAL HARASSMENT AND OTHER FORMS OF HARASSMENT AND DISCRIMINATION

It is the goal of the Town of Northfield to promote a workplace that is free of sexual harassment and any other form of prohibited harassment or discrimination. Sexual harassment and any other form of prohibited harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town of Northfield. Further, any retaliation against an individual who has complained about sexual harassment, prohibited harassment, discrimination or retaliation against individuals for

cooperating with an investigation of a complaint, is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, discrimination and other forms of harassment, the Town is committed to following the procedures set forth below in the event of allegations of inappropriate conduct.

Because the Town takes allegations of sexual harassment seriously, the Town's Sexual Harassment Reporting Officers will respond promptly to complaints of sexual harassment and, where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct that we deem unacceptable regardless of whether that conduct satisfies the definition of sexual harassment.

Furthermore, although this policy addresses sexual harassment, harassment or discrimination based on any protected class is also expressly prohibited. The reporting procedures in this policy may be used to file a complaint of harassment or discrimination involving any protected class or status.

#### Definition of Sexual Harassment

"Sexual harassment" is defined as sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
2. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

Other sexually orientated conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment:

- Unwelcome sexual advances
- Sexual epithets or jokes
- References to sexual conduct
- Gossip regarding one's sex life or inquiring about sexual experiences
- comments about an individual's body or sexual activity, deficiencies or prowess
- Displaying sexually suggestive objects, pictures or cartoons
- Unwelcome leering, whistling, or brushing against the body
- Sexual gestures or suggestive or insulting comments

The foregoing list is only meant to be illustrative and is not exhaustive. Retaliation against an individual who has complained about sexual harassment or discrimination is unlawful and will not be tolerated by the Town of Northfield.

#### Complaint Procedure

If an employee believes that he/she has been subjected to sexual harassment, the employee has the right to file a complaint with the Town, either in writing or verbally. An employee wishing to file a complaint should contact one of the Town's Sexual Harassment Reporting Officers. The employee should file the complaint promptly following any incident of alleged harassment.

If a complaint is made against the Town Administrator, the Reporting Officer receiving the complaint will report the alleged harassment immediately to the Board of Selectmen and will await further instructions from the Board.

### Sexual Harassment Investigation

When a complaint is received, the allegation will be promptly and thoroughly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may include a private interview with the person filing the complaint and with any witnesses. The Town may also interview the person alleged to have committed sexual harassment. When the investigation is completed, the Town will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. The Town's Sexual Harassment Reporting Officers shall receive such training as is required and advisable to discharge these duties.

### Disciplinary Action

If it is determined that inappropriate conduct has occurred, the Town Administrator will take immediate action to stop the offending conduct, and, where it is appropriate, impose progressive disciplinary action, consistent with the provisions of this Policy, against the offending employee(s). Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action, as the Town Administrator deems appropriate under the circumstances.

### State and Federal Remedies

In addition to the above, if an employee believes that he or she has been subjected to unlawful harassment or discrimination, he/she may file formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit an employee from filing a complaint with these agencies. Nor does an employee's failure to file a complaint with the Town prohibit him/her from filing a complaint with either of the agencies listed below.

#### **The United States Equal Employment Opportunity Commission (EEOC)**

One Congress Street – 10<sup>th</sup> floor

Boston, MA 02114

(617) 565-3200

## **The Massachusetts Commission Against Discrimination (MCAD)**

Boston Office:

One Ashburton Place – Rm 601

Boston, MA 02108

617) 727-3990

Springfield Office:

424 Dwight Street, Rm 220

Springfield, MA 01103

(413) 739-2145

5.17 DRUG-FREE WORKPLACE - In accordance with 41 USC Sections 701-707, the Town of Northfield, acting through the Board of Selectmen, hereby certifies that it maintains a drug-free workplace. The Town's policy is as follows:

1. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance when in the employ of the Town of Northfield is strictly prohibited.
2. As a condition of employment, all employees must abide by the terms of this prohibition and notify the Town Administrator within five (5) days of any criminal drug statute conviction of which any portion of the offending criminal conduct occurred in the workplace.
3. Any employee in violation of the above prohibition or failure to report as required by para. 2 above will be subject to disciplinary action, up to and including termination.
4. Within thirty (30) days of receiving notice of a potential violation of this prohibition, the Town Administrator will take appropriate action against the employee, which may include disciplinary action up to and including termination; and/or required participation in an approved drug abuse or assistance program.
5. The purpose of this policy is to inform Town employees about:
  - the serious danger of drug abuse in the workplace
  - the Town's policy of maintaining a drug free workplace
  - the availability of drug counseling and assistance and
  - the consequences of employee drug use in the workplace
6. Should the Town of Northfield utilize federal grant funding, the Town will notify the appropriate federal granting agency within ten (10) days after receiving notice of any criminal drug statute conviction as detailed in Paragraph (2) ) above.
7. The Town of Northfield will take all reasonable efforts to maintain a drug-free workplace through implementation of this policy.

8. All employees shall review and retain a copy of this policy.

## ATTACHMENTS

**Attachment A** Town of Northfield Position Classification and Wage Plan

**Attachment B** Department of Unemployment Assistance Notices

**Attachment C.** Acknowledgment of Receipt of Personnel Policy

**Attachment D.** Family Medical Leave Act (29 U.S.C. §2612)

**Attachment E.** COBRA

**Attachment A.**

**TOWN OF NORTHFIELD**  
**Position Classification and Wage Plan**

## **Attachment B.**

### **Department of Unemployment Insurance Notices**

M.G.L. Chapter 151A, Section 62, contains several requirements regarding the availability of Unemployment Insurance Benefits to employees through the Massachusetts Department of Unemployment Assistance (DUA). Details regarding these requirements can be found on the DUA website at <http://www.mass.gov/lwd/unemployment-insur/>. The specific items to be posted or disseminated are listed below and these materials can also be found and downloaded through the DUA website.

The DUA poster entitled “Information on Employee’s Unemployment Insurance Coverage” (Form 2553-A, Rev.4-02) must be displayed at each site operated by an employer in a conspicuous place accessible to all employees. The poster must include the name and mailing address of the employer and the identification number assigned to the employer by the Division of Employment and Training. The poster can be found at:  
<http://www.mass.gov/lwd/docs/dua/2553a-508.pdf>

**Attachment C.**

**Town of Northfield**

**Acknowledgement of Receipt of Personnel Policies**

The undersigned hereby acknowledges that he/she has received and read the Personnel Policies and Procedures of the Town of Northfield on this the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_, and agrees to abide by all policies and procedures contained herein.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

## Attachment D.

### Family Medical Leave Act 29 U.S.C. § 2612

#### **(a) In general**

##### **(1) Entitlement to leave**

Subject to section 2613 of this title, an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period for one or more of the following:

- (A)** Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- (B)** Because of the placement of a son or daughter with the employee for adoption or foster care.
- (C)** In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- (D)** Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- (E)** Because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

##### **(2) Expiration of entitlement**

The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

##### **(3) Servicemember family leave**

Subject to section 2613 of this title, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

##### **(4) Combined leave total**

During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.

#### **(b) Leave taken intermittently or on reduced leave schedule**

##### **(1) In general**

Leave under subparagraph (A) or (B) of subsection (a) (1) shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer of the employee agree otherwise. Subject to paragraph (2), subsection (e) (2), and subsection (b) (5) or (f) (as appropriate) of section 2613 of this title, leave

under subparagraph (C) or (D) of subsection (a) (1) or under subsection (a) (3) may be taken intermittently or on a reduced leave schedule when medically necessary. Subject to subsection (e) (3) and section 2613 (f) of this title, leave under subsection (a) (1) (E) may be taken intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.

## **(2) Alternative position**

If an employee requests intermittent leave, or leave on a reduced leave schedule, under subparagraph (C) or (D) of subsection (a) (1) or under subsection (a) (3), that is foreseeable based on planned medical treatment, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that—

- (A)** has equivalent pay and benefits; and
- (B)** better accommodates recurring periods of leave than the regular employment position of the employee.

## **(c) Unpaid leave permitted**

Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave. Where an employee is otherwise exempt under regulations issued by the Secretary pursuant to section 2613 (a)(1) of this title, the compliance of an employer with this subchapter by providing unpaid leave shall not affect the exempt status of the employee under such section.

## **(d) Relationship to paid leave**

### **(1) Unpaid leave**

If an employer provides paid leave for fewer than 12 workweeks (or 26 workweeks in the case of leave provided under subsection (a) (3)), the additional weeks of leave necessary to attain the 12 workweeks (or 26 workweeks, as appropriate) of leave required under this subchapter may be provided without compensation.

### **(2) Substitution of paid leave**

#### **(A) In general**

An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), (C), or (E) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection.

#### **(B) Serious health condition**

An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C) or (D) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection, except that nothing in this subchapter shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave. An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-

week period of such leave under such subsection, except that nothing in this subchapter requires an employer to provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave.

**(e) Foreseeable leave**

**(1) Requirement of notice**

In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or placement, the employee shall provide the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

**(2) Duties of employee**

In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a) (1) or under subsection (a) (3) is foreseeable based on planned medical treatment, the employee—

**(A)** shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and

**(B)** shall provide the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

**(3) Notice for leave due to active duty of family member**

In any case in which the necessity for leave under subsection (a) (1) (E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

**(f) Spouses employed by same employer**

**(1) In general**

In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

**(A)** under subparagraph (A) or (B) of subsection (a)(1); or

**(B)** to care for a sick parent under subparagraph (C) of such subsection.

**(2) Servicemember family leave**

**(A) In general**

The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

**(i)** leave under subsection (a)(3); or

**(ii)** a combination of leave under subsection (a) (3) and leave described in paragraph (1).

**(B) Both limitations applicable**

If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).

**ATTACHMENT E.**

**COBRA**